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Nutrishare, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Nutrishare, Inc., a California corporation,
Plaintiff,

v.

BioRx, LLC, an Ohio Limited Liability
Company,
Defendant.

Case No. 2:08-CV-01252-WBS-EFB

**[PROPOSED] ORDER GRANTING
MOTION FOR PRELIMINARY
INJUNCTION**

ORAL ARGUMENT REQUESTED

Date: August 4, 2008
Time: 2:00 p.m.
Dept: Courtroom 5

Plaintiff NUTRISHARE, INC.'S ("Nutrishare's") Motion for Preliminary Injunction came before this Court and was heard on _____, 2008 at _____ a.m., with the Honorable _____ presiding. The Court, having reviewed all moving papers, opposition, and reply papers, and having heard the arguments of counsel in this matter, hereby orders as follows:

1. Plaintiff's Motion for Preliminary Injunction is hereby GRANTED pursuant to the terms provided herein.

2. Defendant, its agents, servants, and employees, and all persons acting under, in concert with, or for it are enjoined from:

a. Using the name "NutriThrive," or any variation of the term "nutri," as a source identifier for itself, any related entities, or the products and services it offers;

- b. Using the domain name www.nutrithrive.com, or any other domain name involving the term “nutri” or any variation thereof;
- c. making any references to the term “NutriThrive” on any websites, including but not limited to www.nutrithrive.com, www.biorx.com, and any other websites;
- d. Causing likelihood of confusion, deception, or mistake as to the source, nature, or quality of Defendant’s products or services; and
- e. Otherwise infringing Plaintiff’s “Nutrishare” mark.

3. The Court ORDERS Plaintiff to post a bond in the amount of \$ _____ pursuant to Eastern District Local Rules 65.1-151 and 65-231.

IT IS SO ORDERED.

Dated: _____, 2008

UNITED STATES DISTRICT COURT JUDGE